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| 09/916,487      | 07/30/2001  | Katsuhiro Nakade     | 074273-0193         | 9214             |

22428 7590 08/31/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

GART, MATTHEW S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3625

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,487

Applicant(s)

NAKADE, KATSUHIRO

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 8/2/2000. It is noted, however, that applicant has not filed a certified copy of the JAPAN 234271/2000 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Admitted Prior Art in view of.**

Referring to claim 1. The applicant admits to prior art disclosing a system for performing transactions of securities comprising:

- A customer terminal (Description of the Related Art and Figure 1: Original Specification as Filed);
- A securities sales system (Description of the Related Art and Figure 1: Original Specification as Filed);

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- A securities transaction system (Description of the Related Art and Figure 1: Original Specification as Filed); and
- A network through which said customer terminal, said securities sales system, said securities transaction system are connected to each other (Description of the Related Art and Figure 1: Original Specification as Filed), wherein
- Said customer terminal is programmed to show securities information concerning securities, and to send transaction order information and account indication information to said securities sales system, said transaction order information being indicative of a request for performing a customer-requested transaction from a customer, and said account indication information being indicative of a customer account for which said customer-requested transaction is to be requested (Description of the Related Art and Figure 1: Original Specification as Filed), and
- Said securities sales system is programmed to provide said customer terminal with said securities information, and to transfer said transaction order information received from said customer terminal to said securities transaction system (Description of the Related Art and Figure 1: Original Specification as Filed), and
- Said securities transaction system is programmed to perform a transaction in response to said transaction order information, and to send transaction result information indicative of said performed transaction to said securities sales system.

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The Applicant does not admit to an account management system wherein said account management system is connected to a network and programmed to settle said customer account in response to said settlement information. Mori discloses an account management system wherein said account management system is connected to a network and programmed to settle said customer account in response to said settlement information. Mori aims at providing a settlement system capable of safely trading in goods (or a commodity) through a network using a payment means (Mori: column 2, lines 21-29). Mori further discloses a transaction management device **5** that determines whether or not a payment has been made. If the payment has not been made yet, a final settlement admission request (request for substitution) and a third-party witness authentication are transmitted to the processing unit of the purchaser's financial institution **3**. The processing unit of the purchaser's financial institution **3** assumes that the purchaser has issued a final settlement request based on the third-party authentication of the transaction management device **5**, and the payment process is forcefully performed in the processes. Accordingly, it would have been obvious to one of ordinary skill in the art to have modified the admitted prior art to have included an account management system as discussed in Mori because when buying via a network a purchaser is subject to a risk of receiving goods and a payment risk, whereas a seller is subject to a collection risk of receiving payment (Mori: column 1, lines 22-28).

Referring to claim 2. Mori further discloses a system wherein securities sales system is programmed to store transaction condition information indicative of a transaction condition provided for said customer, and to transfer said transaction order

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information to said securities transaction system only when said customer-requested transaction fulfills said transaction condition (Mori: column 6, lines 9-14).

Referring to claim 3. The applicant admits to prior art disclosing a system wherein said customer terminal is programmed to send a customer ID for identifying said customer, and said securities sales system is programmed to provide said securities information in response to said customer ID (Description of the Related Art and Figure 1: Original Specification as Filed).

Referring to claim 4. The applicant admits to prior art disclosing a system wherein said customer terminal is programmed to send a customer ID, and said securities sales system is programmed to provide said customer terminal in response to said customer ID with customer account information indicative of at least one available account to said customer, said customer terminal being programmed to send said account indication information indicative of said at least one available account selected by said customer (Description of the Related Art and Figure 1: Original Specification as Filed).

Referring to claim 5. Mori further discloses a system wherein said network is the Internet (Mori: column 2, lines 21-29).

Referring to claims 6-10. Claims 6-10 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claims 11-12. Claims 11-12 are rejected under the same rationale as set forth above in claims 1-5.

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Referring to claim 13. Claim 13 is rejected under the same rationale as set forth above in claims 1-5.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
August 24, 2004

  
Jeffrey A. Smith  
Primary Examiner